THE HON'BLE SRI JUSTICE P.S. NARAYANA

Writ Petition No.5829 of 2005

Date: 05-06-2006

Between :-

The Commissioner,

Visakhapatnam Municipal Corporation,

Visakhapatnam ..Petitioner

And

1. Quresh Tambawala S/o. Mulla Saifuddinbhai
2. Visakhapatnam Urban Development Authority

Rep. By its Vice-Chairman ..Respondents

THE HON'BLE SRI JUSTICE P.S. NARAYANA

Writ Petition No.5829 of 2005

ORDER:-

1. Heard the Counsel.

2. The Writ Petition is filed for a Writ of Mandamus or any other appropriate Writ directing the respondents not to demolish the structure belong to the petitioner by declaring the action of the respondents in trying to demolish the structure belong to the petitioner bearing door No.10-3-3, Kailasamitta Uplands, Visakhapatnam, Visakhapatnam District, without following due process of law as arbitrary, illegal and unconstitutional and pass such other suitable orders.

3. This Court in W.P.M.P.No.7730/2005 granted interim direction as prayed for dated 21-3-2005. W.V.M.P.No.3359/2005 is filed to vacate the interim direction.

4. In the light of the stand taken in the counter affidavit filed in support of the application to vacate the interim order, this Court is satisfied that the respondents have to follow the procedure before initiating action of demolition of the structures. In the light of the interim direction already granted and also in the light of the stand taken in the counter affidavit filed, the Writ Petition is disposed of with a direction not to demolish the structure belonging to the petitioner bearing door No.10-3-3, Kailasamitta Uplands, Visakhapatnam, Visakhapatnam District without following due process of law. Accordingly the Writ Petition is disposed of with the above direction. No order as to costs.

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Justice P.S.Narayana

Date: 5th June, 2006

SMR